

U.S. Serial No. 10/675,169
Reply to Office Action of: September 28, 2006
Family Number: P2002J108 US2

IV. REMARKS

The present Amendment and Response is filed in response to the Office Action mailed September 28, 2006. Claims 1 to 15 are currently pending in the application. The first paragraph of the specification has been amended to claim priority to an earlier filed co-pending application based upon a granted petition for an unintentionally delayed claim for priority under 37 CFR 1.78(a)(3) filed on August 14, 2006 and mailed by the Office of Petitions on October 19, 2006.

The applicants offer the following remarks for consideration in view of the Examiner's claim rejections. Reconsideration of the patentability of the instant application is respectfully requested in view of these amendments and the granted petition from the the Office of Petitions for an unintentionally delayed claim for priority.

1. Claim Rejections under 35 U.S.C. 103

Claims 1-15 have been rejected as allegedly being unpatentable under 35 U.S.C. 103 (a) over U.S. Pre-grant Patent Publication No. 2001/0038934 to Berlowitz (herein "Berlowitz") in view of one to three other prior art references depending upon the claim.

In view of the perfected claim for priority based upon the granted petition for an unintentionally delayed claim for priority, the Applicants assert that Berlowitz is not prior art under the meaning of 35 U.S.C. 103(a) with respect to the present patent application. In particular, the applicants claim priority to the Berlowitz, such that the present application is designated as a continuation-in-part of the Berlowitz pursuant to 35 U.S.C. 120 and 37 CFR 1.78 (a). A copy of the granted petition for an unintentionally delayed claim for priority from the Office of Petitions is incorporated by reference herein and attached hereto. Correspondingly, the Applicants respectfully request that the Examiner enter the amendment to the first paragraph of the specification for the priority claim to earlier filed patent applications.

In view of the foregoing remarks and the granted Petition, the Applicants submit that the Berlowitz reference is not prior art against the present disclosure, and respectfully request the Examiner to withdraw the rejection of claims 1-15 under 35 U.S.C. 103.

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IV. CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that the rejections of the claims have been overcome, and that the pending claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. No additional fees are believed to be required with this Amendment, however if any other fee is required, or otherwise necessary to cover any deficiency in fees already paid, authorization is hereby given to charge Deposit Account Number 05-1330.

If there should be any questions in connection with this request, the undersigned may be contacted at the number below.

Date: 11/2/06

Respectfully submitted,



Robert A. Migliorini
Attorney for Applicant(s)
Registration No. 50,262

☒ Pursuant to 37 CFR 1.34(a)

PTO Correspondence Address:
ExxonMobil Research and Engineering Company
P. O. Box 900
Annandale, New Jersey 08801-0900
Telephone Number: (908) 730-2951
Facsimile Number: (908) 730-3649

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